

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**ALBERT PALOMAR, FOSTER
MITCHELL, DANTE HUTTON,
TAYLOR KIRBY, R. DALE GRIGGS,
STEFANI BENDICION and
MATTHEW BRADBURN, individually
and on behalf of others similarly
situated,**

Plaintiffs,

v.

SMC CORPORATION OF AMERICA,

Defendant.

Case No. 1-19-CV-4693-RLY-MJD

Judge Richard Young

**ORDER GRANTING MOTION FOR FINAL APPROVAL OF CLASS ACTION
AND FLSA COLLECTIVE ACTION SETTLEMENT AND ENTERING FINAL
JUDGMENT**

On May 10, 2024, a hearing was held on the joint motion of plaintiffs Albert Palomar, Foster Mitchell, Dante Hutton, Taylor Kirby, R. Dale Griggs, Stefani Bendicion, and Matthew Bradburn, individually and on behalf of all class members (collectively, “Plaintiffs”) and defendant SMC Corporation of America Toyota Motor Manufacturing, Indiana, Inc. (“SMC” or “Defendant”) for final approval of their class settlement (the “Settlement”) and payment to the Settlement Administrator.

The parties have submitted their Settlement, which this Court preliminarily approved by its February 5, 2024, order (ECF No. 207) (“Preliminary Approval Order”). In accordance with the Preliminary Approval Order, Class Members have been given notice of the terms of the Settlement and the opportunity to object to it or to exclude themselves from its provisions.

Having received and considered the Settlement, the supporting papers filed by the parties, and the evidence and argument received by the Court before it entered the Preliminary Approval Order and at the final approval hearing on May 10, 2024, the Court grants final approval of the

Settlement, and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

1. Pursuant to the Preliminary Approval Order, a Notice of Proposed Class Action Settlement and Final Approval Hearing, (the “Class Notice”) was sent to each Class Member by first-class U.S. Mail. The Class Notice informed Class Members of the terms of the Settlement, their rights under the Settlement, their right to object to the Settlement, their right to receive a Settlement Share, their right to opt out of the Settlement and pursue their own remedies, and their right to appear in person or by counsel at the final approval hearing and be heard regarding final approval of the Settlement. Adequate periods of time were provided by each of these procedures.

2. The Court finds and determines that this notice procedure afforded adequate protections to Class Members and provides the basis for the Court to make an informed decision regarding approval of the Settlement based on the responses of Class Members. The Court finds and determines that the notice provided in this case was the best notice practicable, which satisfies the requirements of law and due process.

3. For the reasons stated in the Preliminary Approval Order, the Court finds and determines that the proposed Class, as defined in the definitions section of the Settlement, meets all of the legal requirements for class certification, and it is hereby ordered that the Class is finally approved and certified for the Settlement purposes.

4. The one objection to the settlement is **OVERRULED** for the reasons stated at the final fairness hearing.

5. The Court further finds and determines that the terms of the Settlement are fair, reasonable, and adequate to each Class Member and that the Class Members who have not opted out will be bound by the Settlement, that the Settlement is ordered finally approved, and that all terms and provisions of the Settlement should be and hereby are ordered to be consummated.

6. The Court finds and determines that the Settlement Shares to be paid to the Participating Class Members (Class Members who did not timely exclude themselves from the Settlement), as provided for by the Settlement, are fair and reasonable. The Court hereby grants

final approval to and orders the payment of those amounts to be made to the Participating Class Members out of the Net Settlement Amount in accordance with the Settlement.

7. The Court finds and determines that the fees and expenses incurred by Analytics Consulting, Inc. in administering the Settlement, in the amount of \$10,899.00, are fair and reasonable. The Court hereby issues final approval to and orders that the payment of approximately that amount be paid out of the Total Settlement Amount in accordance with the Settlement.

8. In addition to any recovery that Plaintiffs may receive from the Net Settlement Amount, and in recognition of the Plaintiffs' efforts in prosecuting this matter on behalf of the Settlement Class, the Court hereby approves the payment of an incentive award to each individual named Plaintiff in the amount of \$8,000. This shall be paid from the Total Settlement Amount.

9. Pursuant to the authorities and argument presented to the Court, the Court approves the payment of attorneys' fees to Class Counsel in the sum of \$500,000.00. This shall be paid from the Total Settlement Amount.

10. Without affecting the finality of this order in any way, the Court retains jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation, and enforcement of this order and the Settlement.

11. Upon completion of administration of the settlement, the Settlement Administrator will provide written certification of such completion to the Court and counsel for the parties.

12. The parties are hereby ordered to comply with the terms of the Settlement.

13. The parties shall bear his, her, its or their own respective attorneys' fees and costs except as otherwise provided in the Settlement.

The Court enters final judgment in the Action in accordance with the Settlement and this Order, subject to the Court's retention of continuing jurisdiction over the Action and the Settlement including, without affecting the finality of this order in any way, jurisdiction over all matters relating to the interpretation, administration, implementation, effectuation and

enforcement of this order and the Settlement and all post-Judgment matters as may be appropriate under court rules or applicable law.

IT IS SO ORDERED.

Date: 5/10/2024



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution List:

To all registered counsel electronically via CM/ECF distribution.